

IN RE: PETITION FOR ZONING VARIANCE
2815 Frederick Road, 252' SW
of Devere Lane
(1943 Frederick Road)
1st Election District
1st Councilmanic District
Lawrence J. O'Neill, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-310-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner in which the Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (storage building) to be located in the front yard in lieu of the required rear yard as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Lawrence J. O'Neill, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1943 Frederick Road, consists of 2.15 acres zoned D.R. 5.5, and is improved with a storage building located in the front yard. Said property is also known as Lot 3 of the O'Neill Property and is part of a larger tract which was subdivided to create three lots; Lots 1 and 2 of which are improved with existing dwellings, and Lot 3 which is the subject of this Petition. Testimony indicated that the Petitioners are desirous of constructing a single family dwelling on Lot 3; however, due to the location of the existing storage building in the front yard, the requested variance is necessary. Testimony indicated that the storage building has existed on the property in the location shown on Petitioner's Exhibit 1 for approximately 10 years and is used to store lawn and garden tools and equipment neces-

sary for maintaining this property. Petitioner testified that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for him.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solov, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship. Furthermore, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R. and will not result in any injury to the public health, safety or general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of April, 1992 that the Petition for Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (storage building) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 4/9/92
By [Signature]

- 3 -

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 7, 1992

Mr. & Mrs. Lawrence J. O'Neill
4505 Maple Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
SE/8 Frederick Road, 252' SW of Devere Lane
(1943 Frederick Road)
1st Election District - 1st Councilmanic District
Lawrence J. O'Neill, et ux - Petitioners
Case No. 92-310-A

Dear Mr. & Mrs. O'Neill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Madillite at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas O'Neill
1935 Frederick Road, Catonsville, Md. 21228

People's Counsel

file

ORDER RECEIVED FOR FILING
Date 4/9/92
By [Signature]

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-310-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow an accessory structure (storage bldg) to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

* See attached letter.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser/Lessee:

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(Type or Print Name)

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Legal Owner(s):

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(Type or Print Name)

Petition for Variance

Lawrence J. O'Neill
Patricia A. O'Neill
1943 Frederick Road
Lot #3

92-310-A

The following is a request for residential lot variance. We are currently in the process of obtaining a building permit for our primary residence. We would appreciate your assistance in our efforts to allow an accessory structure (storage bldg) to be located in front yard lieu of the required rear yard.

As you can see from the photographs enclosed, the storage building is located several hundred feet from our proposed home site. The storage building poses no hardship to boarding properties. Since there is a great need for lawn and field maintenance equipment to maintain the two plus acre, the existing storage building is a necessary structure. This provides a safe storage of tractors, lawn mowers and other related equipment. The building is currently being used exactly for this purpose. Plus many other household items will be stored in the building once our primary residence is constructed.

This building is approx 15 yrs old and is in excellent condition. To destroy such a building and move it only a hundred feet plus or minus would be a great waste. In addition to reconstruct such a building today would cost around \$20,000.+- which is undue and unnecessary cost. We appreciate your assistance in resolving this matter.

Sincerely,

Lawrence J. O'Neill
Mr. & Mrs Lawrence J. O'Neill

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1st Date of Posting 3-7-92
Posted for: [Signature]
Petitioner: Lawrence J. O'Neill & Patricia A. O'Neill
Location of property: SE/8 Frederick Road, 252' SW of Devere Lane, 1943 Frederick Road
Location of Sign: SE/8 Frederick Road, in front of subject property
Remarks: [Signature]
Posted by: [Signature] Date of return: 3-12-92
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 114, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204, as follows:

Case Number: 92-310-A
SE/8 Frederick Road, 252' SW of Devere Lane
1943 Frederick Road
1st Election District
1st Councilmanic District
Petitioners:
Lawrence J. O'Neill and Patricia A. O'Neill
Hearing Date: Monday, March 30, 1992
at 5:00 A.M.

Variance: to allow an accessory structure (storage building) to be located in the front yard in lieu of the required rear yard.

Lawrence E. Schaefer
Zoning Commissioner of Baltimore County
CU3047 March 5

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 5, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 5, 1992.

THE JEFFERSONIAN,

S. Zeke O'Brien
Publisher

\$60.00

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 5, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 5, 1992.

CATONSVILLE TIMES

S. Zeke O'Brien
Publisher

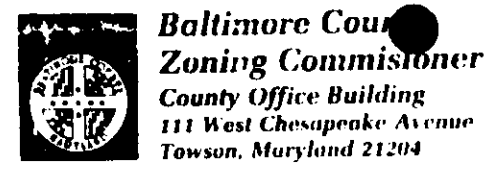
\$60.00

ORDER RECEIVED FOR FILING

Date 4/9/92
By [Signature]

NO DATE MAR 28 - APR 1

ESTIMATED LENGTH OF HEARING 6/20 + 1HR.
AVAILABLE FOR HEARING
ALL NO /TUES./WED. - NEXT TWO MONTHS
REVIEWED BY: [Signature] DATE 2/11/92



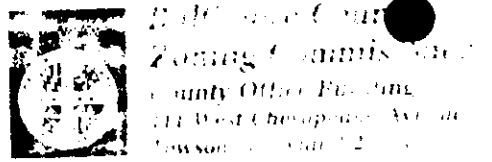
PAID
COMP. DOWN

receipt

Account: R 001 6150
Number

Please Make Checks Payable To: Baltimore County \$35.00
PA 5010104002 11 92

Cashier Validation



Account: R 001 6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/7/92

Lawrence J. and Patricia A. O'Neill
c/o Thomas O'Neill
1935 Frederick Road
Catonsville, Maryland 21228

RE:
CASE NUMBER: 92-310-A
SE/S Frederick Road, 252' SW of Devere Lane
1943 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Lawrence J. and Patricia A. O'Neill

Dear Petitioner(s):

Please be advised that \$561 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 27, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 115, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-310-A
SE/S Frederick Road, 252' SW of Devere Lane
1943 Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Lawrence J. and Patricia A. O'Neill
HEARING: MONDAY, MARCH 30, 1992 at 9:00 a.m.

Variance to allow an accessory structure (storage building) to be located in the front yard in lieu of the required rear yard.

Laurence E. Schmidt
Laurence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Lawrence and Patricia O'Neill

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 9, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-310-A
LEGAL OWNER: LAWRENCE J. O'NEILL, et ux
LOCATION: 1943 FREDERICK ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

THURSDAY, APRIL 2, 1992 at 9:30 a.m.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Laurence E. Schmidt
Laurence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Lawrence J. and Patricia A. O'Neill
Thomas O'Neill

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 16, 1992

Mr. & Mrs. Lawrence J. O'Neill
1935 Frederick Road
Catonsville, MD 21228

RE: Item No. 324, Case No. 92-310-A
Petitioner: Lawrence J. O'Neill, et ux
Petition for Variance

Dear Mr. & Mrs. O'Neill:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Your petition has been received and accepted for filing this 11th day of February, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Lawrence J. O'Neill, et ux

Petitioner's Attorney:

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BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 10, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Connolly Property, Item No. 331
Connolly Property, Item 330
Wagandt Property, Item 345
Wilson Property, Item 344
Dieter Property, Item 342
Levenson Property, Item 337
Bialek Property, Item 340
O'Neill Property, Item 324

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn
ITEM331/TXTROZ

RECEIVED
MAR 11 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 18, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rabee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 25, 1992

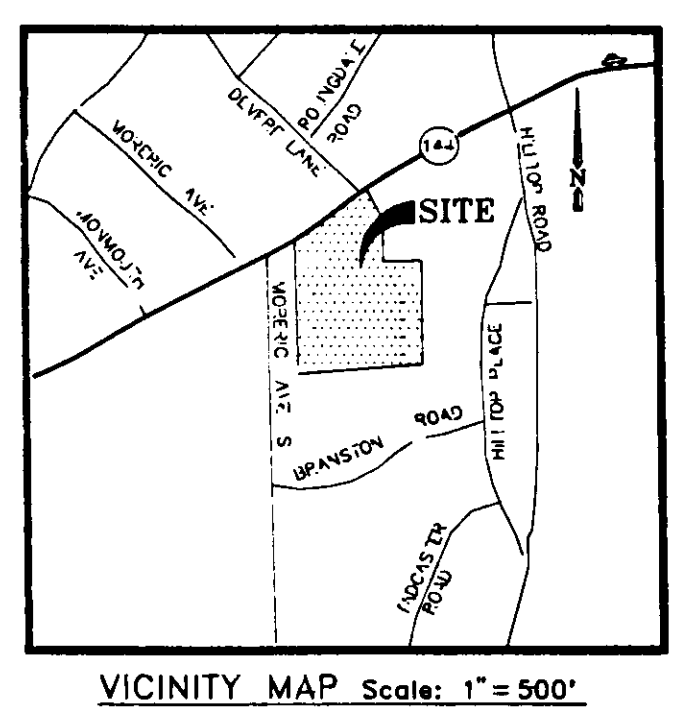
ITEM NUMBER: 324

The proposed lot 3 should have a single use-in-common access with lot 1.

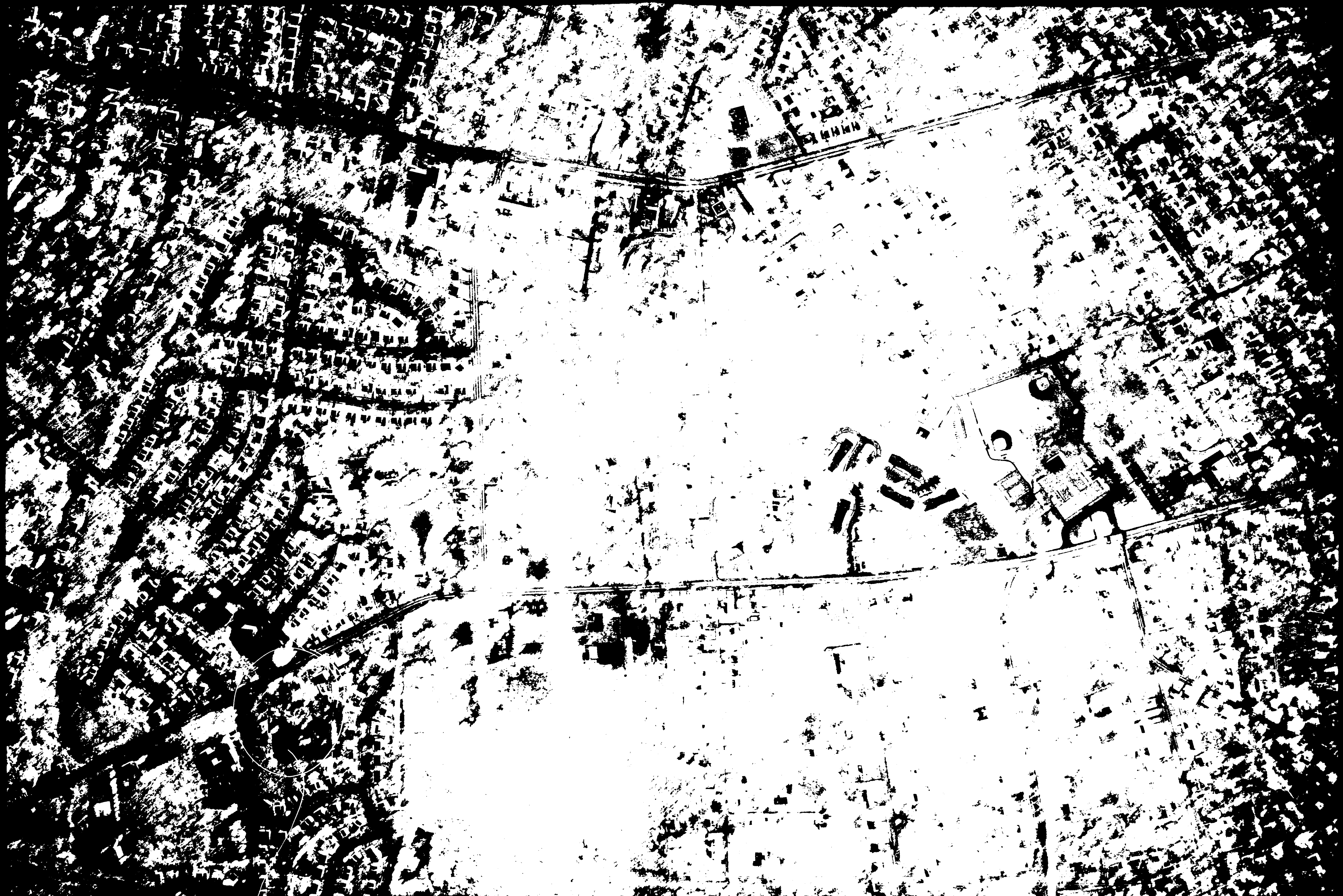
Rabee J. Famili
Rabee J. Famili
Traffic Engineer II

KJP/lvd

RECEIVED
MAR 18 1992
ZONING OFFICE



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SITE SW 36
#32A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986		